

Planning and Development Committee Meeting Minutes

Meeting #: Planning & Development Committee No. 22-06
Date: April 11, 2022
Time: 4:30 pm - 8:05 pm
Location: Zoom

Members Present **Councillor Hillier, Chair**
 Councillor Connors
 Councillor Barrett

Other Councillors Present **Mayor Bent**
 Councillor Hardy
 Councillor Tilley
 Councillor Moores

Staff Present **Corrie Davis, Director of Planning and Development**
 Brian Crawley, Chief Administrative Officer

Others **Resident, 55 Cluneys Road**

1. Development Applications

1.a 6 Little Belle Place

The Committee discussed an application for a front yard fence and the property owner requested consideration of landscaping that deviates from the Town's landscaping regulations.

After a discussion, the Committee concurred to approve the proposed landscaping.

After further discussion, the Committee determined that there are no established front yard fences along that street nor does it delineate a driveway or constitute a retaining wall. The Committee recommended that the application for a front yard fence be refused.

Recommendation:

Be it so resolved that, in accordance with Council's discretionary authority, the landscaping aspect of Application 1346 received on March 21, 2022 to landscape the front yard of 6 Little Belle Place with decorative stone, be approved.

AND FURTHER:

Be it so resolved that, in accordance with Section 15 of the Town's Fence Regulations, the fence aspect of application No. 1346 received on March 21, 2022, for a front yard fence at 6 Little Belle Place, be refused in consideration that it does not border a public walkway, does not constitute a retaining wall, does not delineate a driveway, nor is there an established form of front yard fences along the street.

1.b 7 Pine Tree Road

The Committee discussed an application seeking to develop a six-unit row dwelling at the noted location.

The Committee considered the application and several submissions received in response to public notice of the proposed development. After a discussion, the Committee concurred to recommend that the application be approved by Council.

Recommendation:

Be it so resolved, that in accordance with Sections 10.7 and 10.11.2 of the Town's Development Regulations, application No. 1284 received on February 28, 2022, for development of a six unit row dwelling at 7 Pine Tree Road, be approved subject to the installation of municipal water and sewer services at Pine Tree Road.

Mayor Bent joined the meeting at 4:53pm during the discussion of the preceding item.

1.c 8 Seaspray Crescent

The Committee discussed an application to construct an accessory building in the front yard of the noted property.

After a discussion, the Committee concurred that the new accessory building be at least 3m from an existing accessory building and dwelling as required by section 5.3.1 of the Town's Development Regulations.

1.d 6 Easons Road

The Committee discussed an application to extend an existing accessory building at the noted property.

After a discussion, the Committee concurred to process the application and consider the rear yard encroachment as a tolerance subject to receipt of letter of support from the abutting property owner.

1.e 263 Seal Cove Road

The Committee discussed a request for refund of an application processing fee.

After a discussion, the Committee concurred to refer the request to the Finance Committee for consideration.

1.f 583-585 Conception Bay Highway / Butlers Road South

Councillor Tilley declared a conflict on this item (he lives in the area). He vacated the meeting at 5:15 p.m. and did not return to the meeting.

The Committee discussed a proposed subdivision with 61 lots.

After a discussion, the Committee concurred to recommend that the project be approved in principle subject to the completion of Land Use Impact Assessment Report. The Committee requested that the applicant be advised that proposed road exceeds maximum length of cul de sac road, that the portion of Butlers Road South must be re-aligned and

upgraded from Conception Bay Highway to the northernmost entrance to the subdivision from Butlers Road South.

The Committee also concurred to recommend approval of an 8m setback for dwellings within the subdivision.

Recommendation:

Be it so resolved that, in accordance with Sections 4.10 and 10.11, and Part 7 of the Town's Development Regulations, the proposed subdivision of land at 583-585 Conception Bay Highway, be approved in principle, subject to completion of a Land Use Impact Assessment Report and that the portion of Butlers Road South must be re-aligned and upgraded from Conception Bay Highway to the northernmost entrance of the subdivision from Butlers Road South.

AND FURTHER:

Be it so resolved that, in accordance with section 5.8 of the Town's Development Regulations, a building line of 8m be established along new roads within the proposed subdivision.

1.g 6-8 Foxtrap Access Road

The Committee discussed an application to construct a deck at an existing commercial building (restaurant).

After a discussion, the Committee recommended that staff approve the application in accordance with the Delegation of Planning Authority Policy.

1.h 47 Fowlers Road

The Committee discussed an application to operate a personal service use (music studio and lessons) as a home-based business at the noted property.

The Committee considered one positive submission that was received in response to a public notification of the application. After a discussion, the Committee recommended approval of the application.

Recommendation:

Be it so resolved that, in accordance with Sections 10.7 and 10.11.2 of the Town's Development Regulations, Application No. 1297, received on

March 4, 2022 to operate a personal service use (music lessons and studio) as a home based business from 47 Fowlers Road, be approved.

1.i 5 Peachytown Road

Councillor Hardy asked the Committee to determine if she was in a conflict of interest given that she has family members that reside at Jennings Place. The Committee determined there was no conflict of interest.

The Committee discussed an application to construct an extension to the existing dwelling at the noted property to create a double dwelling.

The Committee considered a representation received from an adjacent property that expressed concern with the proposal. After a discussion, the Committee concurred to recommend approval of the application. The Committee also considered that notwithstanding that the proposal is a permitted use, the Town sought feedback from the adjacent property owners and received a submission. Therefore, and in accordance with Council's Delegation of Planning Authority Policy, the Committee determined that a public resolution is required.

Recommendation:

Be it so resolved that, in accordance with Sections 4.14(2) and 10.11.1 of the Town's Development Regulations, and in consideration of feedback received from a neighbouring property owner about the proposal, Application No. 1140, received on December 13, 2021 to re-develop the property at 5 Peachytown Road by converting the existing single dwelling to a double dwelling, be approved.

1.j 1 Gardner Drive

The Committee discussed a variance request to accommodate a single dwelling at the noted property.

The Committee considered the submission that was received in response to the public notification of the application. After a discussion, the Committee concurred to recommend approval of the variance request to the minimum rear yard requirement.

Recommendation:

Be it so resolved that, under authority of Section 3.12 of the Town's Development Regulations, Application No. 1313 received on March 9, 2022, seeking approval of a variance to reduce the minimum rear yard depth from 10m to 9m at 1 Gardner Drive, be approved.

2. Notices Published

The Committee was advised of the following notices that are currently in circulation:

- 73 Cherry Lane: Public Hearing for re-zoning.
- 29-37 Country Path Road: Ten Unit row dwelling.
- 3 Gardener Drive: Variance for single dwelling.
- 27 Dawes Place: Hobby Farm.
- 240-258 Anchorage Road: Re-zoning.

3. Non-Compliance

3.a 184 Tilley's Road South

The Committee reviewed an Order issued with respect to the noted property. After a discussion, the Committee concurred to recommend that the Order be ratified by Council.

Recommendation:

Be it so resolved that, under authority of section 102 of the *Urban and Rural Planning Act, 2000*, section 404(1)(e) of the *Municipalities Act, 1999* and section 4.1 of the Town's Development Regulations, the Order issued on April 7, 2022 requiring the property owner remove or relocate an accessory building to a permitted location on the property at 184 Tilley's Road South, be confirmed.

3.b 376 Conception Bay Highway

The Committee reviewed an Order issued with respect to the noted property. After a discussion, the Committee concurred to recommend that the Order be ratified by Council.

Recommendation:

Be it so resolved that, under authority of section 102 of the *Urban and Rural Planning Act, 2000*, section 404(1)(e) and (f) of the *Municipalities Act, 1999* and section 4.1 of the Town's Development Regulations, the Order issued on April 7, 2022 requiring the property owner to cease and desist any further construction, remove the remnants of the existing building and re-erect a security fence deemed acceptable by the Town to restrict public access to the site immediately until the site is cleared on property at 376-378 Conception Bay Highway, be confirmed.

3.c 4 Fowlers Road

Councillor Barrett declared a conflict on this item. (Councillor Barrett lives in close proximity to the subject property.) He vacated the meeting at 4:58 p.m. and returned at 5:00 p.m.

The Committee reviewed an Order issued with respect to the noted property. After a discussion, the Committee concurred to recommend that the Order be ratified by Council.

Recommendation:

Be it so resolved that, under authority of section 102 of the *Urban and Rural Planning Act, 2000*, section 404(1)(e) of the *Municipalities Act, 1999* and section 4.1 of the Town's Development Regulations, the Order issued on April 7, 2022 requiring the property owner to demolish or remove the accessory building, or relocate the accessory building to an approved location on the property located at 4 Fowlers Road, be confirmed.

The Chief Administrative Officer left the meeting after the discussion of the preceding item at 6:00pm.

3.d 12 Silverwood Drive

The Committee discussed the property owner's request to attend a future meeting of the Committee to discuss a non-compliance matter with the property. The Committee concurred to invite the property owner to a future meeting of the Committee

Councillor Moores left the meeting after the discussion of the preceding item at 6:02pm.

4. 55 Cluneys Road

A resident of the noted property joined the meeting to discuss their desire to keep animals (pigs and chickens) at the noted property.

The guest, a resident of 55 Cluneys Road, joined the meeting at 6:03pm and left at 6:20pm.

5. Planning Matters

5.a Road Reservation Standards

The Committee discussed of minimum right of way widths for future road reservations.

After a discussion, the Committee determined that the noted item should be referred to the Engineering and Public Works Committee.

5.b Municipal Plan Review

The Committee discussed an update on next steps in the Municipal Plan Review process.

The Committee requested that the Director bring forward a discussion of the Seal Cove Comprehensive Development Area and whether that topic can be accommodated within the current project schedule.

Mayor Bent left the meeting during the discussion of the preceding item at 6:50pm.

5.c Incinerator Road, St. John's

The Committee discussed proposed re-zoning by the City of St. John's to accommodate development of a quarry.

The proposed re-zoning will be referred to the Committee when the consultation notice is received from the City of St. John's.

5.d 375 Fowlers Road

At the request of the property owner, the Committee deferred discussion on the subject property.

5.e 180 Peachytown Road

Councillor Hardy asked the Committee to determine if she was in a conflict of interest given that she has family members that reside at Jennings Place. The Committee determined there was no conflict of interest.

The Committee discussed whether to pursue acquisition of the noted property to accommodate future infrastructure needs.

The Committee requested that the matter be referred to the forthcoming Committee of the Whole Meeting.

6. Information Items

6.a 19 Calvin Manor Road

The Committee discussed correspondence from the property owner.

The Committee concurred that a development proposal in the form of a formal application is the only manner in which the questions raised by the property owner can be addressed.

6.b 2021 Department Performance

The Director provided information on activities and performance metrics within the Department in 2020 and 2021.

6.c Staff Development

The Director advised the Committee of professional development initiatives recently completed and ongoing for department staff.

6.d 24 & 26 Battens Road

The Committee discussed an application to import fill to the noted properties and within the Moderate Hazard Vulnerability area.

6.e 118 Red Bridge Road

The Committee discussed updated information on a request that the noted property be re-zoned.

6.f 122-138 Walshs Road

The Committee discussed an inquiry from the property owner regarding potential re-zoning of a portion of the noted property.

6.h Terminal Road

The Director provided an update on a recent decision from the Supreme Court of Newfoundland and Labrador with respect to an application by Omni Marine Services Inc. and Ocean Choice International to construct a harbour infill project.

6.i 7 Pattys Arm Road

The Committee discussed the proposed setback for a new dwelling at the noted property.

After a discussion, the Committee concurred to recommend that staff approve the proposed setback in accordance with the Town's Delegation of Planning Authority Policy.

7. Additional Items

7.a 1283-1293 Conception Bay Highway

The Committee discussed a request from the property owner to have a portion of the property re-zoned to accommodate a residential subdivision.

After a discussion, the Committee concurred to initiate re-zoning process by seeking input from the public and stakeholders. The Committee also concurred to request that the Minister of Municipal and Provincial Affairs also consider a simultaneous amendment to SJURRP for the same portion of the property.

Recommendation:

Be it so resolved that, upon payment of processing fee and deposit, and in accordance with Section 14 of the *Urban and Rural Planning Act, 2000*, the Town initiate an amendment process to consider re-zoning a portion of the property at 1283-1293 Conception Bay Highway from the Open Space Conservation (OSC) to the Residential Medium Density (R-2) zone.

AND FURTHER:

Be it so resolved that the Town request the Minister of Municipal and Provincial Affairs to allow the Town to undertake initial consultation for re-designating the same portion of 1283-1293 Conception Bay Highway from "Restricted Development" to "Urban Development" in the St. John's Urban Region Regional Plan.

7.b Builders Forum

The Committee discussed the draft agenda for the Builders Forum event scheduled for 8:00am on April 14, 2022.

8. Department Update

The Director provided an update on recent and upcoming activities and initiatives of the Department.

9. Committee Report

The Committee concurred with the following recommendation:

Recommendation:

Be it so resolved that the decisions and recommendations made at the Planning and Development Committee meeting on April 11, 2022 be accepted as presented.

- 8 Seaspray Crescent
- 6 Easons Road
- 263 Seal Cove Road
- 6-8 Foxtrap Access Road
- Notices Published
- 12 Silverwood Drive
- Road Reservation Standards
- Municipal Plan Review
- Incinerator Road, St. John's
- 375 Fowlers Road
- 180 Peachytown Road
- 19 Calvin Manor Road
- 2021 Department Performance
- Staff Development
- 24 & 26 Battens Road
- 118 Red Bridge Road
- 122-138 Walshs Road

- 55 Cluneys Road
- Terminal Road
- 7 Pattys Arm Road
- Builders Forum
- Department Update

There being no further business, the meeting was adjourned at 8:05pm.

Councillor Hillier, Chair

Corrie Davis, Director of Planning
and Development